

REMARKS

Claims 1-11 are pending. Claims 1 and 8 have been amended. No new matter has been added by way of this amendment. Reconsideration of the application is requested.

Claims 1-11 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,160,200 *Ehrnsperger* et al. In response to this ground of rejection, Applicant has amended the claims to more clearly define those features of the invention that distinguish it over the cited reference. Accordingly, for the reasons set forth hereafter, Applicant respectfully submits that all claims of record distinguish over the cited reference.

On page 3, paragraph 3 of the Office Action, the statement is made with respect to claims 1-3, 6, and 8-10 that:

Ehrnsperger discloses an absorbent article 20 comprising a liquid pervious topsheet 24, a backsheet 26, and an absorbent core 26, as shown in figures 1-6. A skin ingredient containing layer is applied to the upper surface of the topsheet 24, as disclosed in column 6, line 64-column 7, line 17. The skin-protective ingredient is fully capable of forming an oily film on the skin of a wearer. A support layer 60 is formed over the skin protective ingredient containing layer, as disclosed in column 17, lines 59-62. The support layer 60 is soluble in water at or above 25 degrees Celsius, as disclosed in column 10, lines 36-53 and column 13, lines 1-23. It is the Examiner's position that since the support layer is soluble in water, at 100% humidity, the support layer is therefore promoted at 100% humidity, which is greater than 30% humidity. The support layer 60 comprises polyvinyl alcohol, as disclosed in column 11, lines 38-41. The support layer 60 comprises in at least a part of the absorbent article 20, only the soluble material 66, as disclosed in column 11, lines 3-5. *The support layer 60 is therefore capable of exposing the skin protective ingredient containing layer to the skin of a wearer after dissolving.* [Emphasis Added]

In the response to Applicant's remarks on page 4 of the Office Action, the statement is made that:

Ehrnsperger discloses a skin protective ingredient that is capable of being transferred to the skin of a wearer. *The support layer 60 comprises only soluble layer 66 over at least a portion of the topsheet 24, and therefore once dissolved exposes the skin protective ingredient containing layer to the skin of the wearer.*
[Emphasis added]

However, with respect to the foregoing statements, Applicant respectfully asserts that the intention of *Ehrnsperger* et al. is not to positively transfer the lotion as an element that corresponds to the skin protective ingredient containing layer. Rather the intent of *Ehrnsperger* et al. patent is move bodily waste away from the wearer toward the absorbent core 28.

With respect to this, Applicant wishes to draw the Examiner's attention to the following text of the *Ehrnsperger* et al. Contained therein is the statement that:

Specifically, the waste passage member 60 preferably has a body facing surface 62 and an opposing garment facing surface 64. At least a portion of the body facing surface 62 includes one or more soluble materials 66 which are capable of being dissolved by substances commonly found in human or mammalian bodily waste. Preferably, the waste-soluble substances comprised in the body facing surface 62 are initially capable of providing the structural integrity of the waste passage member 60. Upon excretion, the bodily wastes dissolve a portion of waste passage member 60, thereby eliminating the structural integrity of at least a portion of the waste passage member 60, preferably in the region of the contact between the waste and the waste passage member 60, allowing passage of the waste... and

Various properties of the body discharges may trigger or initiate the dissolution of material 66, including but not limited to, moisture, pH, enzymes, temperature, pressure, chemicals (e.g., salts, proteins) and the like. (see col. 10, lines 35-53).

These passages of the *Ehrnsperger* et al. disclosure are directed to the formation of waste passage apertures through the water passage member 60 for permitting waste that is discharged from the body of a human to be absorbed in the absorbent core.

The parameters listed in the passage “[v]arious properties of the body discharges may trigger or initiate the dissolution of material 66, including but not limited to, moisture, pH, enzymes, temperature, pressure, chemicals (e.g., salts, proteins) and the like” represent a condition in which bodily waste should be passed through the waste passage member so as to reduce bodily waste that remains on the surface that is in contact with the wearer’s skin. That is, *Ehrnsperger* et al. discloses that the waste passage member 60 at least partly remains over the lotion layer even after coming into contact with the bodily waste. In short, the waste passage member 60 disclosed in the *Ehrnsperger* et al. is never completely dissolved.

In contrast, with respect to the claimed invention, under a given condition, i.e., when the temperature is equal to or higher than 25° C and/or the relative humidity is at least 30% (equal to or higher than 30%), the support layer is solved out from at least an area that is sufficient enough to permit the skin protective ingredient to come into direct contact with the wearer’s skin so that the skin protective ingredient can be transferred to the wearer’s skin to form a skin protecting layer thereon. *Ehrnsperger* et al. fails to teach this claimed aspect which is set forth in the independent claims. In view of this, Applicants respectfully assert that the claims as amended are patentable over the cited reference, and a Notice to this effect is earnestly solicited.

On page 3, it is noted that the Examiner has cited U.S. Patent No. 5,607,760 to Roe et al. as a teach for the limitations set forth in dependent claims 4, 5, 7 and 11. Specifically, the Examiner has stated:

With respect to claims 4 and 5, the skin protective ingredient containing layer is disclosed as being described in U.S. Patent No. 5,607,760 to Roe et al. Roe discloses in column 10, lines 5-10, the skin protective ingredient containing layer comprises liquid at 35 degrees Celsius. Roe further discloses in column 15, lines 55-56, petroleum jelly.

With respect to claim 7, the absorbent article 20, as shown in figure 2, further comprises a leak-preventive cuff and a leg cuff, as disclosed in column 9, lines 49-500 and column 17, lines 18-55.

With respect to claim 11, the support layer 60 further comprises a body adhering composition formed of a polyethylene oxide, as disclosed in column 15, lines 58-76.

However, in reviewing the Office Action, it is evident that the Examiner has failed to provide the relevant section of the patent statutes that render the above dependent claims unpatentable.

In addition, even if the *Roe* et al. reference were combined with the *Ehrnsperger* et al. patent, such a rejection would be improper because the Examiner has failed to provide a motivation for combining the two references. Moreover, the *Roe* et al. reference would fail to provide all of the limitations that are missing from the *Ehrnsperger* et al. patent, i.e., "when the temperature is equal to or higher than 25° C and/or the relative humidity is at least 30% (equal to or higher than 30%), the support layer is solved out from at least an area that is sufficient enough to permit the skin protective ingredient to come into direct contact with the wearer's skin so that the skin protective ingredient can be transferred to the wearer's skin to form a skin protecting layer thereon," as set forth in the independent claims. Accordingly, Applicants respectfully assert that not only is the citation of the

Roe et al. reference improper, but when combined with the *Ehrnsperger* et al., the resultant combination would fails to render the independent claims obvious and unpatentable.

In view of the patentability of independent claims 1, and 8-10 for the reasons set forth above, dependent claims 2-7, and 11 are all patentable over the cited references.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested. However, if there are any questions regarding this Response, or the application in general, a telephone call to the undersigned would be appreciated since this would expedite the prosecution of the application for all concerned.

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Respectfully submitted,

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